

By: Guillen

H.B. No. 1189

Substitute the following for H.B. No. 1189:

By: Murr

C.S.H.B. No. 1189

A BILL TO BE ENTITLED

AN ACT

relating to the management of commercial oyster boats in this state; amending a provision subject to a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 76.119(a), Parks and Wildlife Code, is amended to read as follows:

(a) If a vessel licensed as a commercial oyster boat is involved in a violation of this chapter, the captain of the vessel licensed as a commercial oyster boat is primarily responsible for the violation. A member of the crew of a vessel licensed as a commercial oyster boat is not guilty of a violation unless the member of the crew committed the violation against the captain's orders, except for a violation of Section 76.109, 76.112, or 76.116, in which case each person on the vessel is responsible for the violation.

SECTION 2. Subchapter E, Chapter 76, Parks and Wildlife Code, is amended by adding Section 76.304 to read as follows:

Sec. 76.304. VESSEL MONITORING SYSTEM. (a) The commission by proclamation may establish a vessel monitoring system for commercial oyster boats.

(b) Before the commission issues a proclamation under Subsection (a), the department shall consult with commercial oyster boat license holders concerning establishment of a vessel monitoring system.

SECTION 3. Subchapter F, Chapter 76, Parks and Wildlife Code, is amended by adding Sections 76.405, 76.406, and 76.407 to read as follows:

Sec. 76.405. LICENSE BUYBACK PROGRAM. (a) The department shall implement a license buyback program for licenses issued under this subchapter as part of the oyster license moratorium program established by this subchapter.

(b) The commission by rule shall establish criteria, using reasonable classifications, for the department's use in selecting licenses to be purchased. The department or executive director shall consult with the oyster license moratorium review board concerning establishment of the criteria.

(c) The department shall retire each license purchased under the license buyback program until the commission finds that management of the oyster fishery allows reissue of those licenses through auction or lottery.

(d) The department shall set aside an amount determined by commission rule that is at least 20 percent of the fees from licenses issued under this subchapter to be used only for the purpose of buying back commercial oyster boat licenses from willing license holders. That money shall be sent to the comptroller for deposit to the credit of the game, fish, and water safety account.

(e) The department may solicit and accept grants and donations of money or materials from private or public sources for the purpose of buying back licenses issued under this subchapter from willing license holders.

(f) Money to be used for the purpose of buying back licenses

1 issued under this subchapter is not subject to Section 403.095,
2 Government Code.

3 (g) The commission shall consider the social and economic
4 viability of the oyster industry and input from the oyster license
5 moratorium review board regarding the reissue of commercial oyster
6 boat licenses through auction or lottery.

7 Sec. 76.406. PREVAILING AUTHORITY. A proclamation of the
8 commission under this subchapter prevails over any conflicting
9 provision of this chapter to the extent of the conflict.

10 Sec. 76.407. REPORT TO LEGISLATURE. (a) Not later than
11 November 1, 2018, the department shall report to the governor and
12 each member of the legislature an overview of the administration
13 and status of the oyster license buyback program, including the
14 biological, sociological, and economic effects of the program.

15 (b) This section expires September 1, 2019.

16 SECTION 4. The Parks and Wildlife Commission shall adopt
17 any rules required to implement Sections 76.405, 76.406, and
18 76.407, Parks and Wildlife Code, as added by this Act, not later
19 than June 1, 2016.

20 SECTION 5. (a) Except as provided by Subsection (b) of this
21 section, this Act takes effect September 1, 2015.

22 (b) Sections 76.405, 76.406, and 76.407, Parks and Wildlife
23 Code, as added by this Act, take effect June 1, 2016.